

REMARKS

Claims Pending

Claims 1-7 were pending. Claim 9 has been added by amendment. Thus, claims 1-7 and 9 are now under consideration.

It should be noted that new claim 9 is directed to a single species. This species is described in the specification on page 226 as compound No. 473. It is also compound (t) in claim 5.

Claim Rejections under 35 USC 103

Claims 1-7 stand rejected under 35 USC 103(a) as being unpatentable over Grell et al. (US 6,043,254).

The applicants respectfully urge that Grell et al. does not teach a generic group of indolinones which embrace applicant's instantly claimed compounds, as the Examiner has asserted in the action.

The definition of R₁ in Grell et al. is:

"R₁ denotes a hydrogen, fluorine, chlorine, bromine or iodine atom, a nitro, amino, C₁₋₄-alkanoylamino, (C₁₋₅-alkoxy)carbonylamino or benzyloxycarbonylamino group,"

In claim 1 of the present application, the definition of the corresponding moiety R₂ is:

"R₂ denotes a carboxy group, a straight-chain or branched C₁₋₆-alkoxy-carbonyl group, a C₄₋₇-cycloalkoxy-carbonyl or an aryloxycarbonyl group,

a straight-chain or branched C₁₋₆-alkoxy-carbonyl group, which is terminally substituted in the alkyl moiety by a phenyl, heteroaryl, carboxy, C₁₋₃-alkoxy-carbonyl, aminocarbonyl, C₁₋₃-alkylamino-carbonyl or di-(C₁₋₃-alkyl)-aminocarbonyl group,

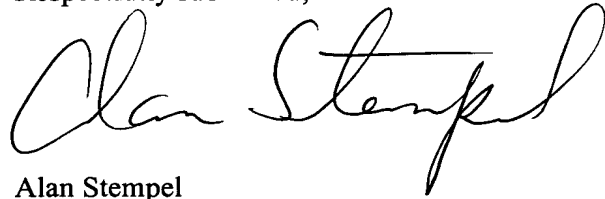
a straight-chain or branched C₂₋₆-alkoxy-carbonyl group, which is terminally substituted in the alkyl moiety by a chlorine atom or a hydroxy, C₁₋₃-alkoxy, amino, C₁₋₃-alkylamino or di-(C₁₋₃-alkyl)-amino group,

an aminocarbonyl or methylaminocarbonyl group, an ethylaminocarbonyl group optionally substituted in the 2 position of the ethyl group by a hydroxy or C₁₋₃-alkoxy group,"

In particular, as is clear from the above definition of R₂, the phenyl group of the indolinone structure of the present application is either substituted by a carboxy group, or by a substituted carbonyl group. In Grell et al., as shown by the above definition of R₁, the phenyl group of the indolinone structure is either substituted by a single atom (hydrogen, fluorine, chlorine, bromine or iodine) or by a nitro, amino or substituted amino group. There is thus nothing in common between the definitions of R₁ of Grell et al. and R₂ of the present application.

In conclusion, the claims of the present application can not recite a specific species and/or a more limited genus than the Grell et al. reference, and even more generally there can be no overlapp between Grell et al. and the compounds as claimed in the present application. It is urged that the claims are patentable over Grell et al. for this reason.

Respectfully submitted,

A handwritten signature in black ink, reading "Alan Stempel". The signature is fluid and cursive, with the first name "Alan" and the last name "Stempel" clearly distinguishable.

Alan Stempel

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